

SECOND REGULAR SESSION

# SENATE BILL NO. 1287

94TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR SCOTT.

Read 1st time February 28, 2008, and ordered printed.

TERRY L. SPIELER, Secretary.

5331S.011

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## AN ACT

To repeal sections 211.031, 472.020, and 472.030, RSMo, and to enact in lieu thereof three new sections relating to concurrent jurisdiction for certain juvenile and probate proceedings.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Sections 211.031, 472.020, and 472.030, RSMo, are repealed  
2 and three new sections enacted in lieu thereof, to be known as sections 211.031,  
3 472.020, and 472.030, to read as follows:

211.031. 1. Except as otherwise provided in this chapter, the juvenile  
2 court or the family court in circuits that have a family court as provided in  
3 sections 487.010 to 487.190, RSMo, shall have exclusive original jurisdiction in  
4 proceedings:

5 (1) Involving any child or person seventeen years of age who may be a  
6 resident of or found within the county and who is alleged to be in need of care  
7 and treatment because:

8 (a) The parents, or other persons legally responsible for the care and  
9 support of the child or person seventeen years of age, neglect or refuse to provide  
10 proper support, education which is required by law, medical, surgical or other  
11 care necessary for his or her well-being; except that reliance by a parent,  
12 guardian or custodian upon remedial treatment other than medical or surgical  
13 treatment for a child or person seventeen years of age shall not be construed as  
14 neglect when the treatment is recognized or permitted pursuant to the laws of  
15 this state;

16 (b) The child or person seventeen years of age is otherwise without proper  
17 care, custody or support; or

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

18 (c) The child or person seventeen years of age was living in a room,  
19 building or other structure at the time such dwelling was found by a court of  
20 competent jurisdiction to be a public nuisance pursuant to section 195.130, RSMo;

21 (d) The child or person seventeen years of age is a child in need of mental  
22 health services and the parent, guardian or custodian is unable to afford or access  
23 appropriate mental health treatment or care for the child;

24 (2) Involving any child who may be a resident of or found within the  
25 county and who is alleged to be in need of care and treatment because:

26 (a) The child while subject to compulsory school attendance is repeatedly  
27 and without justification absent from school; or

28 (b) The child disobeys the reasonable and lawful directions of his or her  
29 parents or other custodian and is beyond their control; or

30 (c) The child is habitually absent from his or her home without sufficient  
31 cause, permission, or justification; or

32 (d) The behavior or associations of the child are otherwise injurious to his  
33 or her welfare or to the welfare of others; or

34 (e) The child is charged with an offense not classified as criminal, or with  
35 an offense applicable only to children; except that, the juvenile court shall not  
36 have jurisdiction over any child fifteen and one-half years of age who is alleged  
37 to have violated a state or municipal traffic ordinance or regulation, the violation  
38 of which does not constitute a felony, or any child who is alleged to have violated  
39 a state or municipal ordinance or regulation prohibiting possession or use of any  
40 tobacco product;

41 (3) Involving any child who is alleged to have violated a state law or  
42 municipal ordinance, or any person who is alleged to have violated a state law or  
43 municipal ordinance prior to attaining the age of seventeen years, in which cases  
44 jurisdiction may be taken by the court of the circuit in which the child or person  
45 resides or may be found or in which the violation is alleged to have occurred;  
46 except that, the juvenile court shall not have jurisdiction over any child fifteen  
47 and one-half years of age who is alleged to have violated a state or municipal  
48 traffic ordinance or regulation, the violation of which does not constitute a felony,  
49 and except that the juvenile court shall have concurrent jurisdiction with the  
50 municipal court over any child who is alleged to have violated a municipal curfew  
51 ordinance, and except that the juvenile court shall have concurrent jurisdiction  
52 with the circuit court on any child who is alleged to have violated a state or  
53 municipal ordinance or regulation prohibiting possession or use of any tobacco

54 product;

55 (4) For the adoption of a person;

56 (5) For the commitment of a child or person seventeen years of age to the  
57 guardianship of the department of social services as provided by law.

58 **2. The juvenile division of the circuit court shall have concurrent**  
59 **jurisdiction over guardianship actions for children who are under the**  
60 **jurisdiction of the juvenile court at the time the guardianship petition**  
61 **is filed under sections 475.010 to 475.370, RSMo.**

62 **3.** Transfer of a matter, proceeding, jurisdiction or supervision for a child  
63 or person seventeen years of age who resides in a county of this state shall be  
64 made as follows:

65 (1) Prior to the filing of a petition and upon request of any party or at the  
66 discretion of the juvenile officer, the matter in the interest of a child or person  
67 seventeen years of age may be transferred by the juvenile officer, with the prior  
68 consent of the juvenile officer of the receiving court, to the county of the child's  
69 residence or the residence of the person seventeen years of age for future action;

70 (2) Upon the motion of any party or on its own motion prior to final  
71 disposition on the pending matter, the court in which a proceeding is commenced  
72 may transfer the proceeding of a child or person seventeen years of age to the  
73 court located in the county of the child's residence or the residence of the person  
74 seventeen years of age, or the county in which the offense pursuant to subdivision  
75 (3) of subsection 1 of this section is alleged to have occurred for further action;

76 (3) Upon motion of any party or on its own motion, the court in which  
77 jurisdiction has been taken pursuant to subsection 1 of this section may at any  
78 time thereafter transfer jurisdiction of a child or person seventeen years of age  
79 to the court located in the county of the child's residence or the residence of the  
80 person seventeen years of age for further action with the prior consent of the  
81 receiving court;

82 (4) Upon motion of any party or upon its own motion at any time following  
83 a judgment of disposition or treatment pursuant to section 211.181, the court  
84 having jurisdiction of the cause may place the child or person seventeen years of  
85 age under the supervision of another juvenile court within or without the state  
86 pursuant to section 210.570, RSMo, with the consent of the receiving court;

87 (5) Upon motion of any child or person seventeen years of age or his or  
88 her parent, the court having jurisdiction shall grant one change of judge pursuant  
89 to Missouri Supreme Court Rules;

90 (6) Upon the transfer of any matter, proceeding, jurisdiction or  
91 supervision of a child or person seventeen years of age, certified copies of all legal  
92 and social documents and records pertaining to the case on file with the clerk of  
93 the transferring juvenile court shall accompany the transfer.

94 [3.] 4. In any proceeding involving any child or person seventeen years  
95 of age taken into custody in a county other than the county of the child's  
96 residence or the residence of a person seventeen years of age, the juvenile court  
97 of the county of the child's residence or the residence of a person seventeen years  
98 of age shall be notified of such taking into custody within seventy-two hours.

99 [4.] 5. When an investigation by a juvenile officer pursuant to this  
100 section reveals that the only basis for action involves an alleged violation of  
101 section 167.031, RSMo, involving a child who alleges to be home schooled, the  
102 juvenile officer shall contact a parent or parents of such child to verify that the  
103 child is being home schooled and not in violation of section 167.031, RSMo, before  
104 making a report of such a violation. Any report of a violation of section 167.031,  
105 RSMo, made by a juvenile officer regarding a child who is being home schooled  
106 shall be made to the prosecuting attorney of the county where the child legally  
107 resides.

472.020. 1. The probate division of the circuit court may hear and  
2 determine all matters pertaining to probate business, to granting letters  
3 testamentary and of administration, the appointment of guardians and  
4 conservators of minors and incapacitated and disabled persons, settling the  
5 accounts of personal representatives and conservators, and the sale or leasing of  
6 lands by personal representatives and conservators, including jurisdiction of the  
7 construction of wills as an incident to the administration of estates, of the  
8 determination of heirship, of the administration of testamentary and inter vivos  
9 trusts, of disability and incapacity proceedings as provided by law and of such  
10 other probate business as may be prescribed by law.

11 2. **The juvenile division of the circuit court shall have concurrent**  
12 **jurisdiction over guardianship actions for children who are under the**  
13 **jurisdiction of the juvenile court at the time the guardianship petition**  
14 **is filed, under sections 475.010 to 475.370, RSMo.**

472.030. 1. The probate division of the circuit court has the same legal  
2 and equitable powers to effectuate and to enforce its orders, judgments and  
3 decrees in probate matters as circuit judges have in other matters and its  
4 executions shall be governed by chapter 513, RSMo, and the applicable supreme

5 court rule, except that all executions shall be returnable within thirty days unless  
6 otherwise ordered by the court. All process of the court may be served anywhere  
7 within the territorial limits of the state.

8 **2. The juvenile division of the circuit court shall have concurrent**  
9 **jurisdiction over guardianship actions for children who are under the**  
10 **jurisdiction of the juvenile court at the time the guardianship petition**  
11 **is filed, under sections 475.010 to 475.370, RSMo.**

✓  
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Bill

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